

U.S.S.N. 10/064,758

- 8 -

201-1006 (FGT 1628 PA)

REMARKS

Claims 1-20 are pending in the above application. Claims 1-20 stand rejected under 35 U.S.C. §103 as being unpatentable over Lang, U.S. Patent No. 6,028,722 in view of Hosokawa, U.S. Patent No. 5,513,289. According to the Office Action, it would have been obvious to modify the coating deposition apparatus of Lang to use optical devices with shaped facets in accordance with Hosokawa to produce a lens with a high numerical aperture and develop a high efficiency.

The Examiner's comments have been carefully considered by Applicants and the Applicants respectfully submit that the case, as presently amended, is in a condition for allowance. In this regard, the Applicants have corrected the typographical error noted in paragraph 1 of the Office Action with respect to claim 1, and have corrected a typographical error in the specification at paragraph [0031].

Applicants further submit that a *prima facie* case of obviousness has not been established in the Office Action and, thus, respectfully request that the rejections under 35 U.S.C. §103 be withdrawn. Although the Office Action substantially reiterates the teachings of the Lang reference with regard to Figures 21-25, the Office Action fails to apply the cited portions of Lang to the claim elements. Further, the Office Action only applies the combination of Lang and Hosokawa to independent claims 1 and 4.

Nevertheless, Applicants submit that independent claims 1 and 4 are non-obvious in view of Lang and Hosokawa because neither reference, alone or in combination, discloses each and every element of Applicants' claimed invention. In particular, independent claims 1 and 4 each require that the input surface of the coupling element directly receive emitted light from a plurality of diode lasers which the cited references fail to disclose or suggest. None of the cited portions of the Lang reference, including Figures 21-25, disclose anything like Applicants' claimed coupling element being positioned proximate the laser diode array to directly receive and condition emitted light therefrom. For example, the lens system 80 in Figure 25 of Lang receives light from the beam reconfiguring device 50 which is shown in more detail in Figure 20 of Lang. Because the combination of references fails to disclose or suggest

U.S.S.N. 10/064,758

- 9 -

201-1006 (FGT 1628 PA)

each and every feature of independent claims 1 and 4, the rejection under 35 U.S.C. §103 must be withdrawn.

Applicants further submit that a *prima facie* case of obviousness has not been established because no reason has been shown why one of skill in the art would modify the Lang reference to include a faceted input surface in view of Hosokawa, as suggested in the Office Action. Such a modification of the Lang reference would not present itself to one of skill in the art, and obviousness cannot be established by combining pieces of prior art absent some teaching, suggestion, or incentive supporting the combination. *In Re Geiger*, 815 F.2d 686, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987). In addition, the Office Action fails to acknowledge the need to identify a suggestion or motivation to modify the prior art, and impermissibly uses the claimed invention as the template for modifying the references. *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 221 USPQ 929, 933 (Fed. Cir. 1984). Accordingly, in view of the foregoing amendments and remarks, Applicants submit that independent claims 1 and 4, and dependent claims 2, 3, and 5 which depend therefrom, are novel and non-obvious in view of the cited references.

Applicants further submit that a *prima facie* case of obviousness has not been established against claims 6-20. There is no application of Lang or Hosokawa to independent claims 6, 13, or 18 in the Office Action. Nevertheless, Applicants submit that these claims are non-obvious because each claim requires a cylindrical lens positioned between the coupling element and the linear diode laser array which neither Lang or Hosokawa disclose or suggest. Accordingly, because a *prima facie* case of obviousness has not been established against claims 6-20, and the cited references fail to disclose or suggest each and every element of these claims, the Applicants respectfully request that the rejection under 35 U.S.C. §103 be withdrawn.

U.S.S.N. 10/064,758

- 10 -

201-1006 (FGT 1628 PA)

In view of the foregoing amendments and remarks, the Applicants submit that claims 1-20 are in a condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully Submitted,

ARTZ & ARTZ P.C.



Robert P. Renke, Reg. No. 40,783
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Dated: May 25, 2004